

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31750 of 2016

Arising Out of PS.Case No. -294 Year- 2015 Thana -BALIA District- BEGUSARAI

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Md. Lal Babu, Son of Late Md. Ziauddin, Resident of Village- Chhoti Ballia, Mirdhatoli, P.S.- Ballia, District- Begusarai.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate.

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, A.P.P.

For the Informant: Mr. Saroj Kumar Sharma, Advocate.

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

11 27-02-2017

Heard learned counsel for the parties.

The petitioner seeks bail in a case registered under Sections 341, 323, 325, 302, 34 of the Indian Penal Code.

Allegation against the petitioner is that the petitioner along with others assaulted the father, brother and sister of the informant with rod and bricks. The father of the informant succumbed to the injuries. Learned counsel for the petitioner submitted that the petitioner is innocent and has been falsely implicated in the case due to land dispute. The informant is not an eye witness. The allegation of assault is against eight persons. Learned counsel further submitted that similarly situated co-accused Md. Khurshid @ Md. Khushiya @ Md. Khusha has already been enlarged on bail vide order dated 27.01.2016 passed in Cr. Misc. No. 38152/2016. The petitioner is in jail since



19.08.2015.

Learned A.P.P. has vehemently opposed the prayer for bail and submitted that there is specific allegation of assault against the petitioner. The case of the petitioner is quite distinguishable and does not hold on the same footing as that of co-accused Md. Khurshid @ Md. Khushiya @ Md. Khusha.

Considering the facts aforesaid and the fact that there is specific allegation of assault against the petitioner, I am not inclined to enlarge the petitioner on bail in Ballia P.S. Case No. 294/2015. Accordingly, the prayer for bail is rejected.

(Arvind Srivastava, J)

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